REMARKS

The Official Action dated March 23, 2005 has been carefully considered. Accordingly, the Amendment, taken with the following remarks, is believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Present claims 1, 4, 13, and 14 have been amended, in accordance with the Examiner's suggestion, for clarification and to resolve any ambiguities. Claim 63 has likewise been cancelled. Claim 19 is amended to correct the recited dependency. New claim 64, dependent from independent claim 14, merely recites SEQ ID NO: 5, as in claims 4 and 19. As it is believed that none of these amendments involves the addition of new matter, and all are fully supported by the present disclosure, entry is in order and is therefore respectfully requested.

Claims 1, 4-14, 19 and 64 remain pending and are under examination.

35 U.S.C. § 112, first paragraph

Claims 1, 4-14, 19 and 63 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner asserts that claims 1, 4, 13, 14 and 63 encompass subject matter that is not defined in the specification. The Examiner maintains that the instant specification "only discloses cursory conclusions...without data to support the findings" and only provides "a limited discussion of the derivative, analog, homolog or fragment." The Examiner asserts that the description in the specification, specifically at page 12, is insufficient because the invention provides for a

number of lipid oxidation inhibiting peptides of approximately 5-90 amino acids in length which substantially correspond in sequence to amino acid sequences found in specific portions of apo AIV, but does not provide "characteristics" nor "any evidence to demonstrate retention of function with regard to inhibitory activity in lipid oxidation."

With respect to claim 4, the Examiner asserts that the specification provides only a generic description of how to generate a "derivative, analog, homolog or fragment," and that "no specific guidance is provided on the generation of the derivative, analog, homolog or fragment that demonstrate the biological activity of the peptide sequence of SEQ ID NO: 5." The Examiner concludes that one of skill in the art would not recognize from the disclosure that the applicant was in possession of the apolipoprotein AIV which comprises derivative, analog, homolog or fragments which have substantially the same lipid oxidation properties as the apolipoprotein AIV wild-type molecule, and that there is no written description of either a representative number of the variants or of a common structural feature of the apo AIV wild-type which encompasses all the variants."

This rejection is traversed with respect to present claims 1, 4-14, 19 and 64 and reconsideration is respectfully requested. More particularly, claim 1 recites a method for inhibiting lipid oxidation associated with a condition in a patient. The method comprises administering to a patient a composition comprising a pharmacologically effective amount of an apolipoprotein (apo) A-IV peptide to inhibit lipid oxidation. The apolipoprotein A-IV peptide is from 6 to 71 amino acids in length and the peptide has substantially the same lipid oxidation properties as the apolipoprotein A-IV molecule.

Independent claim 13 recites a method of inhibiting the progression of atherosclerosis in a patient in need thereof. The method comprises administering to the patient a

composition comprising an effective anti-oxidation amount of an apolipoprotein (apo) A-IV to inhibit the progression of atherosclerosis. The apolipoprotein A-IV peptide is from 6 to 71 amino acids in length and has substantially the same lipid oxidation properties as the apolipoprotein A-IV molecule.

Independent claim 14 is directed to a method of treating a patient for atherosclerosis. The method comprises administering to the patient a composition comprising an effective anti-oxidation amount of an apolipoprotein (apo) A-IV peptide. The apolipoprotein A-IV peptide is from 6 to 71 amino acids in length. The peptide has substantially the same lipid oxidation properties as the apolipoprotein A-IV molecule.

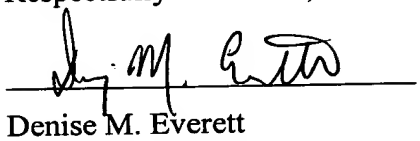
Applicants note that the Examiner's written description rejection is based on her interpretation of the language "derivative, analog, homolog, or fragment thereof," as employed in the present claims. Throughout the text of the Office Action, the Examiner repeatedly asserts a lack of support for this claim language in the specification. While Applicants continue to maintain that the language is fully supported, in the interest of expediting issuance of the claims, Applicants have accordingly removed the language accordingly.

It is therefore submitted that present claims 1, 4-14, 19 and 64 are fully supported by the written description whereby the rejection under 35 U.S.C. §112, first paragraph, has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the Examiner's rejection of the claims under 35 U.S.C. §112, first paragraph and places the present

application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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